WP(C) 5427/2006
BEFORE
THE HON’BLE MR. JUSTICE B.K. SHARMA

Heard Mr. M.U. Mondal, learned counsel for the petitioners as well as Ms. R. Chakraborty, learned State Counsel, representing the Director of Pension, Assam. I have also heard Mr. S.K. Das, learned Standing Counsel, Education Department and Mr. B. Gogoi, learned Standing Counsel, Finance Department.

As agreed to by the learned counsel for the parties, I dispose of the writ petition in terms of the order passed today in WP(C) No. 5165/2006.

In the said writ petition, it has been provided that the respondents shall examine the case of the petitioner, for equalization of pay. In the instant case, recovery has already been made from the pensionary benefit of the petitioner on the ground that equalization of pay was extended to the petitioner illegally. However, upon examination of the case of the petitioner, if it is found that the petitioner is entitled for equalization of pay, recovery shall be refundable. On the other hand, if it is found that the petitioner is not entitled to the equalization of pay, there is no question of refund of the same.

Writ petition is disposed of.